

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: :
BARTOLOZZI, ERIC : Case No. 08-36032
Debtor. : Chapter 7
Judge Guy R. Humphrey

**MOTION OF TRUSTEE TO EXTEND TIME FOR FILING
COMPLAINT OBJECTING TO DISCHARGE**

NOTICE TO PARTIES IN INTEREST

You are hereby notified that the Trustee has filed papers with the Court requesting an Order pursuant to the above referenced Motion, Application and/or Objection (hereinafter called the "Trustee's Motion").

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's Motion, or if you want the Court to consider your views on the Trustee's Motion, then on or before Twenty (20) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also provide a copy of your response to John Paul Rieser. You may either electronically serve John Paul Rieser through the court's ECF System or mail a copy to the following address: John Paul Rieser, Trustee, 7925 Graceland St., Dayton, OH 45459.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Trustee's Motion and may enter an order granting that relief.

2/17/09

Date of Issuance

/s/ John Paul Rieser
John Paul Rieser, Esq.

**MOTION OF TRUSTEE TO EXTEND TIME FOR FILING
COMPLAINT OBJECTING TO DISCHARGE**

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case, and hereby moves, pursuant to FRBP Rule 4004(b), for an Order extending the time during which the Trustee may file a Complaint objecting to the Debtor's discharge, for cause, for an additional period ending approximately ninety (90) days after the deadline originally set in accordance with Rule 4004(a). If the Court grants the instant Motion, the extended deadline for the Trustee to file a Complaint objecting to the Debtor's discharge would expire on June 22, 2009.

Respectfully submitted,

/s/ John Paul Rieser

John Paul Rieser, Esq. (0017850)
Case Attorney for John Paul Rieser, Trustee
Rieser & Associates LLC, Of Counsel
7925 Graceland St.
Dayton, Ohio 45459
Tel: (937) 224-4128, Fax: (937) 224-3090
E-mail: tecfdesk@rieserlaw.com

MEMORANDUM

1. The Debtor filed the bankruptcy petition on 11/25/08. Movant, John Paul Rieser, is the duly appointed and acting Chapter 7 Trustee of the Debtor herein. The initial 341 Meeting of creditors in this case was set on 01/21/09, and the meeting was conducted by the Trustee on said date.

2. Pursuant to FBRP Rule 4004(a), a Complaint objecting to the discharge of the Debtor under 11 U.S.C. §727 must be filed within sixty days after the first date set for the meeting of creditors under §341(a) of the Code. Bankruptcy Rule 4004(b) permits a party in interest, including the Trustee, to file a motion to enlarge this time, provided the motion to extend is made prior to the expiration of the original period of time set to object to the discharge of the Debtor, and provided

further that the Motion to enlarge time is made "for cause".

3. The Debtor testified at the 341 meeting that he transferred two undisclosed motorcycles to his wife and sold them on Ebay for \$20,000.00 after the bankruptcy case was filed. The Trustee is awaiting a large production of documents relating to various assets, both disclosed and undisclosed, and turnover of the motorcycles proceeds. The Trustee does not and will not have enough information to determine the extent of any non-exempt equity for the benefit of unsecured creditors and/or whether grounds may exist under 11 U.S.C. § 727 to object to the Debtor's discharge, until such time as the requested documents and the motorcycle proceeds are received. The Trustee believes an extension beyond the original deadline is required for approximately 90 additional days, and that such an extension will provide the Trustee with the requisite time, if the Debtor complies timely with the Trustee's turnover demands. The Trustee avers this is a reasonable request and that such constitutes adequate "cause" within the meaning of Rule 4004. This is the first extension request made by the Trustee.

WHEREFORE, the Trustee requests an Order enlarging the time under Rule 4004 in which the Trustee may file a complaint objecting to the discharge of the Debtor and prays for the relief as set forth in the foregoing motion.

Respectfully submitted,

/s/ John Paul Rieser

John Paul Rieser, Esq. (0017850)
Case Attorney for John Paul Rieser, Trustee
Rieser & Associates LLC, Of Counsel
7925 Graceland St.
Dayton, Ohio 45459
Tel: (937) 224-4128, Fax: (937) 224-3090
E-mail: tecfdesk@rieserlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **MOTION OF TRUSTEE TO EXTEND TIME FOR FILING COMPLAINT OBJECTING TO DISCHARGE** was served this **17th** day of February, 2009, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov
Mitchell W Allen mitchell@allenlawco.com, yasmeen@allenlawco.com
John A Schuh jaschuhocf@nuvox.net
Gregory A Stout loubknotices@mapother-atty.com

/s/ John Paul Rieser

John Paul Rieser [amw/694]

Label Matrix for local noticing

0648-3

Case 3:08-bk-36032

Southern District of Ohio

Dayton

Thu Feb 5 09:09:18 EST 2009

Anesthesiology Group Practice

PO Box 634201

Cincinnati, OH 45263-4201

Cap One

POB 30281

Salt Lake City, UT 84130-0281

Chrysler Financial

PO Box 55000

Dept. 277001

Detroit, MI 48255-0001

Citifinancial

PO Box 499

Hanover, MD 21076-0499

Duke Energy

PO Box 960

Mail Drop 309C

Cincinnati, OH 45201-0960

Ffcc-Columbus

PO Box 20790

Columbus, OH 43220-0790

Home Pages

PO Box 801

Dekalb, IL 60115-0801

Hsbc Bank

POB 98706

Las Vegas, NV 89193

Kimberly Chapman

740 East Garden Rd.

Vineland, NJ 08360-1723

New Falls Corporation

100 N Center Street

Newton Falls, OH 44444-1321

Asst US Trustee (Day)

Office of the US Trustee

170 North High Street

Suite 200

Columbus, OH 43215-2417

Cat Access Account

PO Box C1117

Southeastern, PA 19398

Cincinnati Bell

PO Box 693

Cincinnati, OH 45201-0693

Controlled Credit Corp.

PO Box 5154

Cincinnati, OH 45205-0154

Eads Fence Co., Inc.

131 Broadway

Loveland, OH 45140-3099

Ffcc-Columbus Inc

1550 Old Henderson Rd St

Columbus, OH 43220-3626

Hsbc Bank

PO Box 19360

Portland, OR 97280-0360

Hsbc Bank/Orchard Bank

PO Box 5253

Carol Stream, IL 60197-5253

Midland Cred

8875 Aero Dr

San Diego, CA 92123-2251

United States Bankruptcy Court

120 West Third Street

Dayton, OH 45402-1872

Bushelman Supply

250 Marion Rd

Cincinnati, OH 45215-1416

Caterpillar Financial Services

2120 West End Avenue

Nashville, TN 37203-5341

Cincy Tool Rental Inc.

3741 Warsaw Ave.

Cincinnati, OH 45205-1772

Cornerstone Medical Services

c/o Homecare Collection Service

PO Box 2484

Akron, OH 44309-2484

Erika Bartolozzi

5401 Rocking Horse Place

Oviedo, FL 32765-5144

Fst Premier

3820 N Louise Ave

Sioux Falls, SD 57107-0145

Hsbc Bank

PO Box 5253

Carol Stream, IL 60197-5253

Hsbc/Bstby

POB 15521

Wilmington, DE 19850-5521

National City

PO Box 2359

Kalamazoo, MI 49003

National City
PO Box 856153
Louisville, KY 40285-6153

National City Bank
PO Box 856153
Louisville, KY 40285-6153

National City Bank
Small Business Managed Assets
2300 Millcreek Blvd.
Locator # 01-7521
Beachwood, OH 44122

Natorps
8601 Snider Rd.
Mason, OH 45040-9273

New Falls Corporation
100 North Center Street
Newton Falls, OH 44444-1321

New Falls Corporation
co Joseph D. Datchuk
100 North Center St.
Newton Falls, OH 44444-1321

Ohio Job and Family Services
PO Box 182404
Columbus, OH 43218-2404

Ohio Valley Orthopaedics
8044 Montgomery Rd
Suite 100
Cincinnati, OH 45236-2924

PNC Bank
PO Box 609
Pittsburgh, PA 15230-0609

Pcb
3592 Corporate Dr
Columbus, OH 43231-4978

Qualified Emergency Specialists, Inc.
415 Greenwell Ave.
Cincinnati, OH 45238-5302

Queen City Vascular Surgeons Group LLC
2450 Kipling Ave
Suite G-03
Cincinnati, OH 45239-6696

Quest Diagnostics
875 Greentree Rd
4 Parkway Center
Pittsburgh, PA 15220-3645

RSVP Ohio
806 E. Franklin St.
Dayton, OH 45459-5605

Richard and Devore MD LLC
PO Box 632603
Cincinnati, OH 45263-2603

Roetzel and Andress
222 S. Main St
Akron, OH 44308-1500

Sam's Club
PO Box 981064
El Paso, TX 79998-1064

Senex Services Corp
PO Box 505
Linden, MI 48451-0505

Senex Srvc
3500 Depauw Blvd
Indianapolis, IN 46268-1170

Serenity Landscaping Inc
5765 S. St. Rt. 48
Maineville, OH 45039-8033

Small Business Managed Assets
2300 Millcreek Blvd.
Locator # 01-7521
Beachwood, OH 44122

Sprint
PO Box 8077
London, KY 40742-8077

Time Warner
11252 Cornell Park Dr.
Cincinnati, OH 45242-1886

Trihealth
PO Box 20010
Cincinnati, OH 45220-0010

Warren County Water
PO Box 530
Lebanon, OH 45036-0530

Zenith Acquisition
3200 Elmwood Avenue
Kenmore, NY 14217-1179

Eric Bartolozzi
5253 Overlook Dr.
Mason, OH 45040-1867

John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

Mitchell W Allen
52 East Mulberry Street
PO Box 435
Lebanon, OH 45036-0435

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)DCFS Trust

(u)National City Bank

End of Label Matrix	
Mailable recipients	58
Bypassed recipients	2
Total	60